



GOVERNMENT OF INDIA

Chandigarh Administration Gazette

Published by Authority

NO. 061] CHANDIGARH, WEDNESDAY, APRIL 10, 2024 (CHAITRA 21, 1946 SAKA)

OFFICE OF THE DISTRICT MAGISTRATE, U.T., CHANDIGARH

Order under Section 144 Cr.P.C.

The 9th April, 2024

No. DM/MA/2024/7643.—WHEREAS it has been made to appear to me that terrorist attacks in country pose grave danger to human life and safety and injury to public property besides breach of peace and disturbance of public tranquility.

AND WHEREAS, it has been noticed that terrorists mis-use uniforms/stickers/logos/flags and any other item belonging to Army/Police/Para Military Forces, for committing the acts of terror. Under these circumstances, the undersigned is of the opinion that some check should be put on sale of items belonging to these Government forces so that anti-social elements in the guise of Army/Police/Para Military personnel may not pose a threat to citizens and that immediate action is necessary for prevention of the same.

Now therefore, I, Vinay Pratap Singh, I.A.S., District Magistrate, U.T., Chandigarh in exercise of the powers vested with me under section 144 Cr.P.C. do hereby order as an emergency measure that any shopkeeper/seller within the territory of Chandigarh, shall not sell any cloth/uniform/sticker/logo/flag attached on cars of and any other item belonging to Army/Police/Para Military Forces without keeping the record and I.D. proofs of the purchasers.

In view of the emergent nature of the order, it is being issued *ex-parte* and is addressed to the public in general. Any breach of this order would invite action under section 188 of the Indian Penal Code.

This order shall come into force **from zero hour on 09.04.2024** and shall be effective for a period of 60 days **up-to and including 07.06.2024.**

This order shall be promulgated by affixing copy thereof at the Notice Boards of the office of the under-signed as well as the District Courts, Chandigarh and publication in the newspapers having circulation in the area, through the office of the D.P.R., Chandigarh.

Given under my hand and seal on 08.04.2024.

VINAY PRATAP SINGH, I.A.S.,
District Magistrate,
Chandigarh.

Signature Not Verified
Digitally signed by
Jalinder Kumar
Date: 2024.04.10
04:43:50 IST
Reason: Published
Location:

(1337)

This is Digitally Signed Gazette. To verify, visit :
<https://egazette.chd.gov.in>

OFFICE OF THE DISTRICT MAGISTRATE, U.T., CHANDIGARH

Order under Section 144 Cr.P.C.

The 9th April, 2024

No. DM/MA/2024/7657.—Whereas it has been made to appear to me that a large number of commercial places/shops have come up in Chandigarh popularly known as Cyber Cafes and a large number of people visit these places to use the facilities available there including e-mail facilities and therefore certain anti-social elements, criminals and terrorists may use these facilities to mislead the security/investigation agencies, create panic in the public, endanger the security of general public, V.I.P.s and government institutions, and help the terrorist activities directly affecting the security of the State.

And whereas, I, Vinay Pratap Singh, I.A.S., District Magistrate, U.T., Chandigarh, am of the opinion that immediate action is necessary to take speedy recourse to prevent danger to human lives from any terrorist act which may affect the security of the State and disturb the public peace and tranquility.

Now therefore, I, Vinay Pratap Singh, I.A.S., District Magistrate, Chandigarh in exercise of the powers vested with me under section 144 of the Cr.P.C., hereby direct the owners of the Cyber Cafes to strictly comply with the following :

- (i) prohibiting the use of Cyber Cafes by unknown person whose identity has not been established by the owner of the café;
- (ii) maintaining a register for identity of the visitor/user;
- (iii) make an entry in the handwriting of the visitor/user mentioning name, address, telephone number and identity proof. The visitor/user shall also sign the register kept for this purpose;
- (iv) the identity of the visitor/user shall be established through identity card, voter card, ration card, driving license, passport and photo credit card;
- (v) activity server log should be preserved in main server and its record should be preserved for at least six months;
- (vi) if any activity of the visitor is of a suspicious nature, the owner of the Cyber Cafe will inform the police station;
- (vii) record be maintained about the specific computer used by the person.

This order shall come into force **from zero hours on 10.04.2024** and shall be effective for a period of sixty days **up-to and including 08.06.2024**.

In view of the emergent nature of the order, it is being issued *ex-parte* and is addressed to the public in general. Any breach of this order shall invite action under section 188 of the I.P.C.

This order shall be promulgated by affixing copy thereof at the Notice Boards of the office of the undersigned as well as the District Courts, Chandigarh and publication in the newspapers having circulation in the area, through the office of the D.P.R., Chandigarh.

Given under my hand and seal on 09.04.2024.

VINAY PRATAP SINGH, I.A.S.,
District Magistrate,
Chandigarh.

OFFICE OF THE DISTRICT MAGISTRATE, CHANDIGARH

Order under Section 144 Cr.P.C.

The 9th April, 2024

No. DM/MA/2024/7629.—WHEREAS, it has been made to appear to me that there is mushrooming of B.P.O.s, prominently known as Call Centers, Corporate Houses, Media Houses, Companies, Organizations and firms in Chandigarh and near-by areas, offering employment opportunity to youth. The employees including women from various parts of the neighboring states are staying in different parts of city and other adjoining cities/villages. Their employers are providing cab services for the purpose of picking and dropping them from their places of stay to office and back. As these organizations are functioning round the clock, the cabs are ferrying employees even at late night hours. These cabs are hired on contract and their operators and drivers are not properly monitored to ensure safe & secure transportation of employees, resulting in grave danger to human life, safety & security of employees, especially women employees. It has come to notice that certain criminal and anti-social elements look for soft targets, particularly during odd hours. The women employees who travel during late night hours are vulnerable to crime and criminal acts by such elements.

AND whereas, I, Vinay Pratap Singh, I.A.S., District Magistrate, Chandigarh am of the opinion that some check is necessary on such companies/organizations/employers providing pick & drop facility to their employees in late night hours, transporters, security agencies/guards & drivers so as to ensure the security & safety of employees, especially women employees working till late hours.

Now therefore, I, Vinay Pratap Singh, I.A.S., District Magistrate, Chandigarh in exercise of the powers vested with me under section 144 of the Cr.P.C., direct that all such organizations like B.P.O.s, Call Centres, Corporate Houses, Media Houses, companies, firms & other similar entities, having the facility of pick & drop for their employees and the transporters, security agencies, drivers & security guards attached/concerned with them, in the jurisdiction of Chandigarh, shall:

1. Maintain a data of all employees, security personnel, cab drivers & contractual workers working with them, for access by the Police and other Govt. agencies as and when required.
2. Hire security personnel & other contractual personnel as far as possible from licensed agencies only.
3. Ensure verification of antecedents of all their employees including contractual employees.
4. Ensure that women employees are not made to travel alone with the cab driver and a duly verified security guard or a male colleague is deployed in each cab carrying women staff during night hours, i.e., 08.00 P.M. to 07.00 A.M.
5. Choose the route in such manner that as far as possible a woman employee is not the first one to be picked up or the last to be dropped.
6. Ensure that during night hours, the cab involved in transportation of women employees' pick-up and drop such employee right in their house and remain halted at the point where the women employee is dropped, till she confirms her arrival at their residence/place of stay through a telephone call.
7. Ensure that whenever the house of a woman employee is so located that the approach road is not motor-able, the duly verified security guard or the male colleague, during night hour, accompanies the employee on foot up to her house & takes a confirmation about her safe arrival.

8. Exercise effective check & control on the vehicles movement in order to check any unwarranted activities of the cab drivers, such as picking up strangers, straying away from the designated route, etc. and intimate the same to Police, if found any suspicious activity on the part of cab driver & passenger.
9. Get G.P.S. system installed in the cabs used in transportation of such employees, especially women employees.

In view of the emergent nature of the order, it is being issued *ex-parte* and is addressed to the public in general. Any breach of this order would invite action under section 188 of the Indian Penal Code.

This order shall come into force with effect zero hours on **08.04.2024** and shall be effective upto and including **06.06.2024**.

This order shall be promulgated by affixing copy thereof on the notice board of the office of the undersigned as well as the District Courts, Chandigarh and publication in the newspapers having circulation in the area, through the office of the D.P.R., Chandigarh.

Given under my hand and seal on 08-04-2024.

VINAY PRATAP SINGH, I.A.S.,
District Magistrate,
Chandigarh.

CHANDIGARH ADMINISTRATION
LABOUR DEPARTMENT**Notification**

The 18th March, 2024

No. 13/1/6890-HII(2)-2024/4482.—In exercise of the Powers conferred by sub-section (i) of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947) read with Government of India, Ministry of Labour & Employment's Notification No. S-11025/21/2003-IR(PL) dated 28.7.2004, the undersigned hereby publish the following award bearing reference No. **290/2003** dated **29.01.2024** delivered by the Presiding Officer, Industrial Tribunal-cum-Labour Court, UT Chandigarh between :

SANJAY, H. NO. 2386, D.M. COLONY, U.T. CHANDIGARH. (Workman)

AND

THE PRINCIPAL, GOVT. MODEL SENIOR SECONDARY SCHOOL, SECTOR 16,
CHANDIGARH. (Management)**AWARD**

1. Vide Endorsement bearing No.13/1/6890-HII(2)-2003/6565 Dated 02.04.2003 the Secretary Labour, Chandigarh Administration has referred the dispute to this Court / Tribunal in following words :-

"Whether the services of Sh. Sanjay H.No.2386, D.M. Colony, U.T., Chandigarh were terminated illegally by the management of The Principal, Govt. Model Senior Secondary School, Sector 16, Chandigarh, if so, to what effect and to what relief he is entitled to, if any ?"

2. Upon notice, Sanjay (*here-in-after called 'workman'*) appeared through his representative. Statement of claim was filed on 25.07.2003.

3. Briefly stated the averments of claim statement are that in April, 1995 claimant-workman was appointed as Sweeper in the Government Model Senior Secondary School, Sector 16, Chandigarh / management. The workman was working to the utmost satisfaction of his superiors as anything adverse regarding his work & conduct was neither ever found nor ever conveyed to him. The workman worked for more than 240 days in each proceeding year and hence is protected under the protective umbrella of the Industrial Disputes Act, 1947 (*here-in-after in short called 'ID Act'*). The services of the workman cannot be terminated arbitrarily, discriminately and without following the mandatory provisions of law. The workman is a 'workman' as defined in Section 2(s) of the ID Act and the school in which he was working is an 'industry' as defined in Section 2J of the ID Act. The services of the workman were terminated on 27.09.2001. The termination order is illegal, unlawful, bad, non-existent, void, unsustainable and nonest in the eyes of law on inter-alia the following grounds :-

- a) No notice or pay in lieu of notice was given to the workman before and at the time of terminating his services. No retrenchment compensation under Section 25F of the ID Act was paid to the workman at the time of his termination.
- b) The services of the workman have been terminated without any show cause notice, charge sheet or inquiry as such there is patent denial of natural justice.
- c) The Sweeper junior to workman, were retained in services whereas the services of the workman were terminated in contravention of principle of 'first come last go' laid down by Section 25G of ID Act.
- d) The post on which the workman was working is still in existence and the work which he was performing is still required.

- e) The workman has put in the services of more than 6½ years and was entitled for the regularisation. The management instead of considering the claim for regularisation has terminated services of the workman.

It is crystal clear that termination of the services of the workman amounts to unfair labour practice. There is no delay in raising the industrial dispute. The present reference is proper and well within the time. The workman served the management a demand notice dated 07.01.2002 under Section 2A of the ID Act but the management made no efforts to solve the problem of termination. Hence, the present reference is being made. The management is situated in Chandigarh and the workman has also worked at Chandigarh. The services of the workman were terminated at Chandigarh. Hence, this Hon'ble Court has jurisdiction to entertain and adjudicate the present reference. Prayer is made that order of retrenchment / termination may be set aside and the workman may be reinstated to his services with full back wages along with continuity of service and all other ancillary benefits.

4. On notice, the management contested the claim statement by filing written statement / reply on 09.10.2003 wherein preliminary objections are raised on the ground that the workman has wrongly made party to the Principal, Government Model Senior Secondary School, Sector 16, Chandigarh. The workman either might have made Rattan Singh - Contractor as party in this case as he is the real employer or the Parent Teacher Association (P.T.A.) of the Government Model Senior Secondary School, Sector 16, Chandigarh as the necessary party. The workman supplied by contractor Rattan Singh, who deals in supplying work force to the establishment / school as when required on contract basis. Moreover, the contract amount was paid from the P.T.A. fund. The management school is a Government institute run by the Chandigarh Administration. Even the Worthy Principal is not empowered to appoint or dismiss any of the employee, without the prior permission of Chandigarh Administration.

5. Further on merits, it is stated that the workman Sanjay was never an employee of Government Model Senior Secondary School, Sector 16, Chandigarh. He was never on the school rolls. No appointment letter was issued to him. Hence, the question of satisfaction of his superiors does not arise. The school has got a sprawling campus and the number of sanctioned Sweepers is less. The job of cleaning could not be accomplished by the sanctioned number of Sweepers. Hence, P.T.A. decided to release some funds from the P.T.A. and hire some Sweepers on contract basis. The services of Rattan Singh - Contractor were hired. It was Rattan Singh - Contractor, who supplied IV Class / Sweepers to the school. The workman Sanjay was also supplied by the contractor on contract basis. The workman Sanjay does not have any direct connection with the school. The school does not mark his attendance nor for others who were in contract basis, supplied by Rattan Singh - Contractor. The contractor may or may not be maintaining the attendance register. The school was concerned with the cleanliness of the school. It was the job of the contractor to send person A or B for the job. The contractor was free to appoint / dismiss any person supplied by him to the school on contract basis. Provisions of ID Act are not attracted in this case. The workman neither worked as parament / ad-hoc employee of the school nor paid from Government fund. The school was dealing with the contractor Rattan Singh. Hence, Principal, Government Model Senior Secondary School does not come in picture at all. The extract of P.T.A. meetings of the said year are annexed with the claim statement. The order of termination is denied for want of knowledge. The school or the Principal has not played any role in this case. The claim / reference is bad for mis-joinder or non-joinder of necessary parties. The question of delay and the present reference are debatable questions which would be raised at the time of arguments. The Government Model Senior Secondary School is not the property of any private individual who is running it for profit but Government institute run by the Chandigarh Administration on certain rules and regulations. The jurisdiction of this Hon'ble Court needs no comment. Rest of the averments of claim statement are denied as wrong and prayer is made that the claim statement may be dismissed with heavy cost.

6. Rejoinder not filed. From the pleadings of the parties, following issues were framed vide order dated 27.04.2004 :-

1. Whether the services of the workman were terminated illegally by the respondent/ management, if so, to what effect and to what relief he is entitled to, if any ? OPW

2. Whether the reference is bad for mis-joinder of parties ? OPM
3. Whether the reference is bad for non-joinder of necessary parties ? OPM
4. Relief.

7. In evidence, workman Sanjay examined himself as AW1 and tendered his affidavit Exhibit 'AW1/A' along with copy of his identity card Exhibit 'W2' / Exhibit 'WW1/1', copy of letter dated 22.01.2000 (date is incorrectly mentioned as 02.01.2000 instead of correct date 22.01.2000 in the affidavit Exhibit 'AW1/A') issued by the Assistant Director (Vocational Education)-cum-Inquiry Officer, Office of Directorate of Public Instructions, Chandigarh Administration requiring the attendance of workman on 28.06.2000 at 3:00 P.M. to give evidence/statement / Exhibit 'WW1/2', copy of letter dated 30.06.2000 vide Mark 'WA', letter bearing endorsement No.DEO/UT/E-1/98/1237 dated 09.02.1998 vide Mark 'WB'.

8. The workman examined AW2 A. K. Malhotra - Accountant in Government Model Senior Secondary School, Sector 16, Chandigarh, who brought into evidence attested copy of cash book from February 1996 to December 2001 vide Exhibit 'W1'. The evidence of the workman was closed by order vide order dated 18.02.2013. The workman challenged the order dated 18.02.2013 before the Hon'ble High Court by filing CR No.1825-2013 (O&M) tilted as Sanjay Versus The Principal, Government Model Senior Secondary School & Another. The revision petition was allowed vide order dated 18.03.2013 by the Hon'ble High Court and one opportunity was granted to the workman to conclude his entire evidence at his own responsibility subject to payment of ₹ 10,000/- as cost. The workman filed review application bearing RA / CR-47-CII-2013 (O&M) in CR No.1825-2013 before the Hon'ble High Court. The review application was allowed and the cost imposed vide order dated 18.03.2013 was waived off and the Court below was directed to proceed further in accordance with the law. The workman was provided opportunity as per the orders of Hon'ble High Court. The workman did not adduce any other evidence except the evidence already recorded prior to 18.02.2013. On 16.01.2024 the workman closed his evidence in affirmative.

9. On the other hand, the management has examined MW1 Rakesh Kumar - Senior Lab Assistant, Government Model Senior Secondary School, Sector 16, Chandigarh, who tendered his affidavit Exhibit 'MW1/A' along with documents i.e. Teacher's Attendance register for the month of February 1996, Government High School, Sector 16, Chandigarh incorporating the names of S/Sh. Ram Rachhpal (Acctt.), Amrit Sharma (Clerk), Sanjogta Kalia (Librarian), Kanta Devi (Lib. Attendant), Ram Khilwan (Peon), Gurjeet Kaur (Aya), Sheela (Sweeper), Dasau Ram (Mali), Gurbax Kaur (Aya/Peon), Badloo Prasad (HF, Mali), Brahami Devi (Sweeper) and Doodh Nath (Chowkidar) vide Exhibit 'M1'; Teacher's Attendance register for the month of Marh 1997, Government High School, Sector 16, Chandigarh incorporating the names of S/Sh. Ram Rachhpal (Acctt.), Amrit Sharma (Jr. Asstt.), Sanjogta Kalia (Librarian), Kanta Devi (Lib. Attendant), Sheela (Sweeper), Dasau Ram (Mali), Gurbax Kaur (Aya/Peon), Brahami Devi (Sweeper), Doodh Nath (Chowkidar), Ram Khilwan (Peon), Prem Prakash (Peon) and Badloo Prasad (H.F. Mali) vide Exhibit 'M2'; Teacher's Attendance register for the month of August 1997, Government High School, Sector 16, Chandigarh incorporating the names of S/Sh. Ram Rachhpal (Acctt.), Amrit Sharma (Jr. Asstt.), Sukhdev Singh (Librarian), Kanta Devi (Lib. Attendant), Sheela (Sweeper), Dasau Ram (Mali), Gurbax Kaur (Aya/Peon), Ram Khilwan (Peon), Ram Prakash (Peon), Badloo Prasad (H.F. Mali) and Doodh Nath (Chowkidar), vide Exhibit 'M3'; Teacher's Attendance register for the month of July 1999, Government High School, Sector 16, Chandigarh incorporating the names of S/Sh. Raksha Rani (Acctt.), Amrit Sharma (Jr. Asstt.), Sukhdev Singh (Librarian), Kanta Devi (Lib. Attendant), Sheela (Sweeper), Ram Khilwan (Peon), Prem Parkash (Peon), Gurbax Kaur (Aya/Peon), Chhotte Lal (Mali), Badloo Prasad (H.F. Mali) and Raj Pal (Chowkidar) vide Exhibit 'M4'; Teacher's Attendance register for the month of January 2001, Government High School, Sector 16, Chandigarh incorporating the names of Mrs. Sharda (Incharge), Mrs. Harsimran (S.S. Mistress), Mrs. Kohli (S.S. Mistress), Mrs. Suneja (S. S. Mistress), Mrs. Bhatnagar (Fine Arts Mistress), Ms. Sarabjeet (S.S. Mistress), Mrs. Sudesh Sood (Maths Mistress), Mrs. V. Nagpal (Sc. Mistress), Mr. Mohan Singh (Sc. Master), Mr. Raj Kishan (Maths Master), Mrs. N. Gupta (Pb. Mistress), Mrs. Jaskanwal (Fine Arts Mistress), Mrs. Rajni Walia (S.S. Mistress), Mrs. Rupinder (S.S. Mistress), Mrs. Lily Sood (H.Sc. Mistress), and Mrs. Nimta (Pb. Mistress) vide Exhibit

'M5'; attested copy of receipt issued by Rattanjit Singh having received sum of ₹ 5,350/- from Principal, Government Model Senior Secondary School, Sector 16, Chandigarh on account of cleanliness of school grounds for the month of April 1998 bearing Principal's endorsement pay out of P.T.A. fund vide Exhibit 'M6'; attested copy of receipt issued by Rattanjit Singh having received sum of ₹ 5,350/- from Principal, Government Model Senior Secondary School, Sector 16, Chandigarh on account of cleanliness of school grounds for the month of August 1998 bearing Principal's endorsement pay out of P.T.A. fund vide Exhibit 'M7' and attested copy of receipt issued by Rattanjit Singh having received sum of ₹ 5,350/- from Principal, Government Model Senior Secondary School, Sector 16, Chandigarh on account of cleanliness of school grounds for the month of January 1999 bearing Principal's endorsement pay out of P.T.A. fund vide Exhibit 'M8'.

10. On 29.01.2024 Learned Representative for the management closed the evidence.

11. I have heard arguments of Learned Representatives for the parties and perused the judicial file. My issue-wise findings are as below :-

Issues No. 1 to 3 :

12. All these issues are taken up together being interconnected and in order to avoid repetition of discussion.

13. Onus to prove issue No. 1 is on the workman and onus to issues No.2 & 3 is on the management.

14. The workman Sanjay examined himself as his own witness and vide his affidavit Exhibit 'AW1/A' deposed the averments of claim statement in toto which are not reproduced here for the sake of gravity. AW1 supported his oral version with documents Exhibit 'W2', Mark 'WA' and Mark 'WB'.

15. The workman examined AW2 A. K. Malhotra - Accountant in Government Model Senior Secondary School, Sector 16, Chandigarh, who deposed that he has brought the available summoned record. He has not brought daily wage register of the employees as the same is not being maintained by the respondent-school but by Parent Teacher Association. He has also not brought the muster roll as the same is also maintained by P.T.A. He has brought the cash book January 1996 to September 2001 maintained by the P.T.A. showing the payment made to the contractor and other expenditure done by the P.T.A. Record prior to 1996 in this respect was not available. AW2 further stated that it is correct that there is no mention as to for what purpose the amount was given to Rattan Singh - Contractor, as mentioned in the cash book as the cash book was maintained by the P.T.A. The attested copy of the cash book from February 1996 to December 2001 is Exhibit 'W1'.

16. On the other hand, the management has examined MW1 Rakesh Kumar - Senior Lab. Assistant, Government Model Senior Secondary School, Sector 16, Chandigarh, who vide his affidavit Exhibit 'MW1/A' deposed that he working as Senior Lab. Assistant with the respondent-school since 2010 and is well conversant with the facts of the case and is filing the present affidavit on the basis of personal knowledge and as per the information derived on the basis of the record available. The workman has unnecessarily made the Principal Govt. Model School as a party. The Principal is neither necessary nor a proper party as the workman was never appointed by the Principal. The respondent-school is a Govt. Institute run by the Chandigarh Administration. Even the Principal is not empowered to employ or dismiss any employee without the prior permission of the Chandigarh Administration. Hence, there is no relationship of employer and employee between the Principal and the workman. MW1 further deposed that the respondent-school has a sprawling campus and the sanctioned sweepers were / are less, hence it was decided by the P.T.A (Parent Teacher Association) of the respondent school to appoint some sweepers on contract basis, and decided to release the funds from Parent Teacher Association Fund, and for that purpose the services of one Sh. Rattanjit Singh Contractor were hired. The workman has neither made P.T.A nor the Contractor as a party. The workman was an employee of contractor and the payment was given to Sh. Rattanjit Singh Contractor, as per the cash Book maintained by the Parent Teacher Association. The record / copy of the cash book from February 1996 to December 2001 maintained by the P.T.A are already on record as Exhibit 'W1' showing the payment made to the contractor. The contract amount was paid from the P.T.A fund to the Contractor. The workman neither worked as

permanent / ad-hoc employee of the respondent-school nor any appointment letter was issued by the Principal of the school as has been admitted by the workman in his cross-examination nor the services of the workman were terminated by the Principal, therefore, the question of violation of Section 25F or any other provisions of the ID Act, on the part of the Principal does not arise at all. There existed no relationship of employer and employee between the Principal and the workman. And more so neither the workman was appointed nor were his services terminated by the Principal of the School, as admitted by the workman in his cross-examination, hence the question of re-instatement by the Principal does not arise at all. The name of the workman did not exist in the attendance register maintained by the School, since he was appointed by the Contractor. Some of the copies of the attendance register of the teachers and staff appointed by the School from 1996 to 2001 are attached as Exhibit 'MW1/1' to 'MW1/5'. MW1 further deposed that the workman was appointed by the P.T.A and the salary was paid to the Contractor for the employees engaged by him out of the P.T.A fund. The copy of the account statement showing payment made to the contractor and other expenditure done by P.T.A. is already on record. However, the copies of some of the receipts in respect of payment made to Contractor Rattanjit Singh on account of cleanliness of school ground and showing that the same was paid out of P.T.A. Fund are Exhibit 'MW1/6' to 'MW1/8' respectively. MW1 supported his oral version with documents Exhibit 'M1' to Exhibit 'M8' though the same are mentioned in the affidavit as Exhibit 'MW1/1' to Exhibit 'MW1/8' respectively. In order to avoid any ambiguity, the documents brought into evidence by MW1 are considered as Exhibit 'M1' to Exhibit 'M8'.

17. From the oral as well as documentary evidence led by the parties, it comes out that the workman has alleged that he was appointed as Sweeper in April, 1995 by the management of Government Model Senior Secondary School, Sector 16, Chandigarh and he continuously worked till his termination on 27.09.2001. The workman has alleged that termination of his services is illegal. Learned Representative for the workman argued that before and at the time of termination of his services he has neither been issued prior notice nor paid notice pay in lieu of notice period, nor he was paid retrenchment compensation. He was not issued any show cause notice, charge sheet. No domestic inquiry was conducted. The principle of 'first come last go' was not followed. The post on which he was working is still in existence and the work which he was performing is still required. Learned Representative for the workman referred identity card Exhibit 'WW1/1' and argued that the same is issued to the workman by Shri R. K. Sharma, the then Principal of the school and further argued that in the departmental inquiry proceedings against Raj Pal - Chowkidar, the Assistant Director (Vocational Education)-cum-Inquiry Officer, Office of Directorate of Public Instructions, Chandigarh Administration issued letter dated 22.01.2000 / Exhibit 'WW1/2' requiring the attendance of workman on 28.06.2000 at 3:00 P.M. to give evidence / statement. Thus, much stress is laid upon the fact by Learned Representative for the workman that the documents Exhibit 'WW1/1' and Exhibit 'WW1/2' would show that the workman was employed by the Principal, Government Model Senior Secondary School, Sector 16, Chandigarh. The school / management being employer has terminated the services of the workman in violation of Section 25F & 25G of the ID Act. Thus, the workman is entitled for reinstatement with full back wages along with continuity of service and ancillary benefits.

18. On the other hand, the Principal, Government Model Senior Secondary School in the written reply to the claim statement as well as by examining MW1 Rakesh Kumar denied the relationship of employer & employee between the management and the workman. Learned Representative for the management argued that on the decision of P.T.A. the workman was engaged by contractor Rattan Singh and was deployed for cleanliness work in the school. The workman was paid by the contractor from the P.T.A. funds. Therefore, the Principal, Government Model Senior Secondary School, Sector 16, Chandigarh has no concern either with the appointment or with the termination of the workman and the same is a dispute between the workman and the contractor. The workman has not impleaded the employer i.e. Rattan Singh - Contractor and the Parent Teacher Association, from whose funds the workman was paid his monthly wages or salary.

19. To my opinion, the workman has failed to prove his plea that he was appointed by the Principal, Government Model Senior Secondary School, Sector 16, Chandigarh. The workman / AW1 when put to cross-examination admitted as correct that the school is a Government institution run by the Chandigarh Administration. AW1 further stated that he has no appointment letter issued by Principal of the school. AW1 further

stated that he cannot say if school Principal has the power to employ or terminate services of the workman. AW1 denied the suggestion as wrong that he was paid wages by the contractor. AW1 voluntarily stated that wages were paid by Dutta Madam after receiving signature of the workers on stamps and Dutta Madam marked their presence. AW1 in support of his aforesaid version did not bring into evidence the receipts allegedly bearing his signatures on stamps. The workman's own witness AW2 A. K. Malhotra substantiated the management's plea that the daily wage register was not maintained by the school but by the Parent Teacher Association and that the muster rolls was also maintained by the Parent Teacher Association. Since the record of daily wage register and muster roll remains in possession of Parent Teacher Association, therefore, AW2 working as Accountant in Government Model Senior Secondary School, Sector 16, Chandigarh could not produce the same. AW2 duly explained during his examination-in-chief by stating that he has not brought daily wage register of the employees as the same is not being maintained by the respondent-school but by Parent Teacher Association. He has also not brought the muster roll as the same is also maintained by P.T.A. He has brought the cash book January, 1996 to September, 2001 maintained by the P.T.A. showing the payment made to the contractor and other expenditure done by the P.T.A. The testimony of AW2 supports the plea of the management that the workman was engaged by the Parent Teacher Association through the contractor. The entries of cash book Exhibit 'W1' would show that the payment bills raised by Rattan Singh - Contractor were paid out of the funds of Parent Teacher Association. Furthermore, in attendance record Exhibit 'M1' to Exhibit 'M5', the name of workman is not shown. The receipts Exhibit 'M6' and Exhibit 'M7' would show that the Principal, Government Model Senior Secondary School, Sector 16, Chandigarh has approved the payment out the P.T.A. fund to contractor on account of cleanliness of school grounds. The identity card Exhibit 'WW1/2' and letter Exhibit 'WW1/2' are not sufficient to conclude that the workman was appointed by the management-school. It is not in dispute that the workman was deployed as Sweeper in the school premises and that is why the payment towards the cleanliness of school grounds was made on the approval of Principal of the school to contractor Rattan Singh out of P.T.A. fund. Moreover, identity card Exhibit 'WW1/2' does not bear the issue date and the date of validity. In view of the aforesaid discussion, it is duly proved on record that the workman was engaged on the recommendations of Parent Teacher Association by contractor Rattan Singh. The relationship of employer & employee between the management-school and the workman is not established. The workman has failed to prove that his services were terminated illegally by the management i.e. The Principal, Government Model Senior Secondary School, Sector 16, Chandigarh. The contractor Rattan Singh and Parent Teacher Association being employer are the necessary parties but the same are not impleaded as managements in the present case. The workman has mis-joined Principal, Government Model Senior Secondary School, Sector 16, Chandigarh. Consequently, the claim petition is bad for mis-joinder and non-joinder of necessary parties.

20. Accordingly, issue No.1 is decided against the workman and in favour of the management and issues No.2 & 3 are decided in favour of the management and against the workman.

Relief :

21. In the view of foregoing finding on the issue No.1 above, this reference is declined and answered against the workman. Appropriate Government be informed. File be consigned to the record room.

(Sd.) . . . ,

(JAGDEEP KAUR VIRK)

PRESIDING OFFICER,

Industrial Tribunal & Labour Court,

Union Territory, Chandigarh.

UID No. PB0152.

Dated : 29.01.2024.

Secretary Labour,
Chandigarh Administration.

CHANGE OF NAME

I, Raj Bhadur Yadav, S/o Ram Dev, House No. 1174/A, Sector 19-B, Chandigarh, have changed my name from Raj Bhadur Yadav to Raj Bhadur.

[463-1]

I, Raj Bhadur, S/o Ram Dev, House No. 1174/A, Sector 19-B, Chandigarh, have changed my minor son name from Shivang to Shivang Yadav.

[464-1]

I, Ram Pukar Singh, S/o Shri Prasad Singh, # 3421, Sector 45-D, Chandigarh, hereby declare that in my Passport no. G0650931, my father's name wrongly mentioned as Parshad Singh instead of Shri Prasad Singh and mother's name wrongly mentioned as Bhukhali Devi instead of Shukhali Devi . In future my father's name may be treated as Shri Prasad Singh and mother's name as Shukhali Devi for all purposes.

[465-1]

I, Parveen, W/o Mohd Intejar, # 1119/5, Govindpura, VTC, Sector 13, Manimajra, Chandigarh, have changed my name to Parseen.

[466-1]

I, Parseen, W/o Mohd Intejar, # 1119/5, Govindpura, VTC, Sector 13, Manimajra, Chandigarh, have changed the name of my minor daughter from Tabbasum to Tabbasum Khan.

[467-1]

I, Harish Chand, S/o Kuldeep Singh, R/o # 947, Mohalla, Bhar Mal Kua, Manimajra, Chandigarh, have changed my name from Harish Chand to Harish Kumar.

[468-1]

I, Sofia Malik, D/o Eric Samuel, R/o # 3310/1, Sector 40-D, Chandigarh, have changed my name from Sofia Malik to Sofia Samuel.

[469-1]

I, Chandan Kumar, S/o Mahender Paswan, # 2634/B, New Housing Board Colony, Ph.-2, Ramdarbar, Chandigarh, have changed my name to Chandan Paswan.

[470-1]

I, Saniksha, D/o Rakesh Kumar Nimesh, # 1454, Phase 1, Ramdarbar, Chandigarh, have changed my name to Saniksha Nimesh.

[471-1]

I, Santosh Kumar Parjapati, S/o Ram Lakhan Prajapati, # 1333, New Indira Colony, Manimajra, Chandigarh, have changed my name to Santosh Kumar Prajapati.

[472-1]

I, Lal Bahadur Patel, S/o Dinanath Patel, R/o # 1016, Gas Colony, Daria, Chandigarh, have changed my name from Lal Bahdur Patel to Lal Bahadur Patel. All concerned please note.

[473-1]

I, Ram Sagar, S/o Ram Shankar, R/o # Dixit Farm Near Tube Well No. 4, Khuda Ali Sher, Chandigarh, have changed the name of my minor daughter's name from Sakchi Yadav to Priyal Yadav.

[474-1]

I, Prasan Kumar, S/o James Kandulna, R/o 355, Khuda Lahora, Chandigarh-160014, have changed my name to Prshan Kandulna.

[475-1]

I, Harjodh Singh, S/o Dilbagh Singh, R/o H. No. 473, Village Burail, Chandigarh, declare that I have changed my name from Harjodh Singh to Harjot Singh.

[476-1]

I, Sapna, W/o Shri Joginder Kumar, R/o 3115/1, Sector 45-D, Chandigarh, have changed my name from Sapna to Sapna Gangwani.

[477-1]

I, Anuradha, D/o Rajinder Pal, # 237, Sector 36-A, Chandigarh, have changed my name to Anuradha Bhanot.

[478-1]

"No legal responsibility is accepted for the contents of publication of advertisements/public notices in this part of the Chandigarh Administration Gazette. Persons notifying the advertisements/public notices will remain solely responsible for the legal consequences and also for any other misrepresentation etc."